

THURSDAY, FEBRUARY 19, 2004

SIXTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Jeff LaBorg of Sharon Baptist Church in Savannah, Tennessee, a guest of Mr. Speaker Wilder.

PLEDGE OF ALLEGIANCE

Senator Burchett led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 28

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

COMMUNICATIONS

February 17, 2004

Lt. Governor John S. Wilder
1 Legislative Plaza
Nashville, TN 37243-0026

Dear Lt. Gov. Wilder:

Due to a continuing education course I am scheduled to attend on Thursday, February 19th I will not be able to attend Session. These hours are needed before March 1st. With your permission I will be absent from Session on the above mention date.

As always your understanding in these matters is greatly appreciated.

Sincerely,

/s/ David Fowler

APPROVED: Lieutenant Governor
John S. Wilder

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February 18, 2004

Lt. Governor John Wilder
One Legislative Plaza
Nashville, Tennessee 37243

Dear Governor Wilder:

I would like to request permission to miss the Senate Session on February 19, 2004. I will be meeting with Senator Bill Frist at the Regional Medical Center on Thursday. Thank you.

Very truly yours,

/s/ Mark Norris
Senator

APPROVED: Lieutenant Governor
John S. Wilder

February 18, 2004

Speaker John S. Wilder
1 Legislative Plaza
Nashville, TN 37243

Dear Speaker Wilder:

Due to a personal matter, I will not be able to attend Session on Thursday, February 19, 2004. I would greatly appreciate your approval of my absence on that date.

Thank you for your consideration of my request.

Sincerely,

/s/ Ronald L. Ramsey

APPROVED: Lieutenant Governor
John S. Wilder

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

Senate Bill No. 3469 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 762 by Senator Cooper.
Memorials, Retirement -- Jimmie Bearden.

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Senate Joint Resolution No. 763 by Senator Cooper.
Memorials, Retirement -- Dr. Eben Gilbert.

Senate Resolution No. 129 by Senator Kilby.
Memorials, Death -- SFC Gregory Hicks.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 755 -- Memorials, Death -- Jammie Foster.

The Speaker announced that he had referred Senate Joint Resolution No. 755 to Committee on Calendar.

Senate Joint Resolution No. 756 -- Memorials, Professional Achievement -- Mike Fitts, 2004 Lifetime Achievement Award.

The Speaker announced that he had referred Senate Joint Resolution No. 756 to Committee on Calendar.

Senate Joint Resolution No. 757 -- Memorials, Sports -- David Collie, Jr., TSSAA Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 757 to Committee on Calendar.

Senate Joint Resolution No. 759 -- Memorials, Death -- William E. Coleman, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 759 to Committee on Calendar.

Senate Joint Resolution No. 760 -- Memorials, Recognition -- Abbie Sumrall, Prudential Spirit of Community Award.

The Speaker announced that he had referred Senate Joint Resolution No. 760 to Committee on Calendar.

Senate Joint Resolution No. 761 -- Memorials, Congratulations -- Emily Avery Miller, winner of the 2004 NCAA Inspiration Award.

The Speaker announced that he had referred Senate Joint Resolution No. 761 to Committee on Calendar.

Senate Resolution No. 127 -- General Assembly, Confirmation of Appointment -- James L. Murphy III, Board of Trustees of University of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 127 to Committee on Education.

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Senate Resolution No. 128 -- General Assembly, Confirmation of Appointment -- Dr. Katherine H. Greenberg, Board of Trustees of University of Tennessee.

The Speaker announced that he had referred Senate Resolution No. 128 to Committee on Education.

MOTION

Senator Cooper moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3346** on the calendar for the Committee on State and Local Government for Tuesday, February 24, which motion prevailed.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 850 -- Memorials, Sports -- Amanda Fraley.

House Joint Resolution No. 851 -- Memorials, Recognition -- Lindsey King.

House Joint Resolution No. 852 -- Memorials, Academic Achievement -- Tyler Browning, Valedictorian, Franklin Road Christian School.

House Joint Resolution No. 853 -- Memorials, Academic Achievement -- Michael Christopher Mankin, Salutatorian, Franklin Road Christian School.

House Joint Resolution No. 854 -- Memorials, Academic Achievement -- Tiffany Wax, Salutatorian, Franklin Road Christian School.

House Joint Resolution No. 855 -- Memorials, Academic Achievement -- Brittany Martin, Valedictorian, Siegel High School.

House Joint Resolution No. 856 -- Memorials, Academic Achievement -- Natalie Martin, Valedictorian, Siegel High School.

House Joint Resolution No. 857 -- Memorials, Academic Achievement -- Ryan Scoble, Valedictorian, Siegel High School.

House Joint Resolution No. 859 -- Memorials, Congratulations -- Jack Daniel's 1904 World's Fair Gold Medal, 100th anniversary.

House Joint Resolution No. 860 -- Memorials, Congratulations -- Dr. Richard W. Phillips.

House Joint Resolution No. 869 -- Memorials, Recognition -- Rep. Henri Brooks, Special Recognition as Ambassador for Peace.

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Senate Joint Resolution No. 753 -- Memorials, Congratulations -- Blue Springs Christian Church, 110th anniversary.

Senate Joint Resolution No. 754 -- Memorials, Public Service -- Commissioner Fred Phillips, Tennessee Department of Safety.

Senate Resolution No. 125 -- Memorials, Congratulations -- Karlescia Perkins, Distinguished Finalist, Prudential Spirit of Community Award.

Senate Resolution No. 126 -- Memorials, Public Service -- Megan Robb, Distinguished Finalist, 2004 Prudential Spirit of Community Award.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, February 23, 2004, pursuant to Rule 38: **Senate Joint Resolution No. 722.**

Senate Bill No. 2747 -- Municipal Government -- Requires the executive committee of a joint economic and community development board to meet only as needed rather than eight times annually. Amends TCA Section 6-58-114.

Senate Bill No. 2832 -- Limitation of Actions -- Limits a municipality from reimbursing or being reimbursed for garbage and refuse collection overpayments or underpayments after a period of 36 months has elapsed from the date the customer was notified of the underpayment or overpayment. TCA Title 6, Chapter 19; Title 6, Chapter 54 and Title 28, Chapter 3, Part 3.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2703 -- Banks and Financial Institutions -- Deletes requirement that bank publish in newspaper of general circulation, at bank's expense, its call report detailing resources and liabilities. Amends TCA Section 45-2-1604.

Senate Bill No. 2703 passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Southerland, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

Senator Clabough moved that **Senate Bill No. 2730** be placed on the calendar for Thursday, February 26, 2004, which motion prevailed.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of February 23, 2004, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF FEBRUARY 23, 2004**

MONDAY – February 23

5:00 p.m. Session – Senate Chamber

TUESDAY – February 24

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

WEDNESDAY – February 25

8:20 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources

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10:30 a.m. — 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. — 12:30 p.m.	Lunch
12:30 p.m. — 1:30 p.m.	Transportation Committee
1:30 p.m. — 2:30 p.m.	Government Operations Committee
2:30 p.m.	Democratic Caucus
3:00 p.m.	Session — Senate Chamber

THURSDAY — February 26

8:30 a.m.	Democratic Caucus
9:00 a.m.	Session — Senate Chamber

OTHER MEETINGS:

Monday, February 23, 2004 —	General Welfare Subcommittee on Nursing Home Sprinklers 10:00 a.m. — 12:00 p.m. — Room 12/14 LP Select Oversight Committee on Corrections 1:00 p.m. — Room 16 LP Senate Education Budget Hearings — Dept. of Education 1:00 p.m. — 4:00 p.m. Room 12/14 LP Council on Pensions & Insurance 1:30 p.m. — Room 29 LP
Tuesday, February 24, 2004 —	Commerce, Labor & Agriculture Pre-Meeting 7:30 a.m. — Speaker Wilder's Conference Room
Wednesday, February 25, 2004 —	Joint Oversight Committee on Workers' Compensation 4:00 p.m. — Room 12/14 LP
Thursday, February 26, 2004 —	Budget Subcommittee Labor & Workforce Development 8:00 a.m. — Speaker Wilder's Conference Room Joint Predatory Lending Study Committee After Session — Room 31 LP Identity Theft Study Committee 10:30 a.m. — Room 12/14 LP

MOTION

On motion of Senator Cooper, his name was added as sponsor of **Senate Bills Nos. 2967, 3037 and 3093; and House Joint Resolution No. 850.**

On motion of Senator Kilby, his name was added as sponsor of **Senate Bill No. 2079.**

On motion of Senators Person and Cohen, their names were added as sponsors of **Senate Bill No. 2703.**

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 859.**

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On motion of Senator Dixon, his name was added as sponsor of **Senate Bill No. 2810 and Senate Joint Resolution No. 754**.

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 869**.

On motion of Senator Herron, his name was added as sponsor of **Senate Joint Resolution No. 754**.

On motion of Senator Ketron, his name was added as sponsor of **House Joint Resolutions Nos. 850, 851, 852, 853, 854, 855, 856 and 857; and Senate Bills Nos. 2242, 2457, 2747, 2967, 3093 and 3139**.

On motion of Senator Burks, her name was added as sponsor of **Senate Joint Resolution No. 754**.

On motion of Senator Clabough, his name was added as sponsor of **House Joint Resolution No. 851**.

On motion of Senator Trail, his name was added as sponsor of **House Joint Resolutions Nos. 852, 853, 854, 855, 856 and 857**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 2771**.

ENGROSSED BILLS

February 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2703, 2747 and 2832; and Senate Joint Resolutions Nos. 753 and 754; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2232, 2402, 3002 and 3138; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 862, 863, 864, 865, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889 and 891; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 902, 2061 and 2337; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 749, 750, 751, 752 and 758; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 114, 115, 116, 117, 123, 124, 125 and 126; and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

February 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 749, 750, 751, 752 and 758; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2230, 2438 and 2822; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 850, 851, 852, 853, 854, 855, 856, 857, 859, 860 and 869; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 739, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 19, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 114, 115, 116, 117, 123, 124, 125 and 126.

SIGNED

February 19, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 749, 750, 751, 752 and 758.

SIGNED

February 19, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 850, 851, 852, 853, 854, 855, 856, 857, 859, 860 and 869.

SIGNED

February 19, 2004

The Speaker announced that he had signed the following: House Joint Resolution No. 739.

MESSAGE FROM THE HOUSE

February 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 749, 750, 751, 752 and 758; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 730, 731, 732, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 749, 750, 751, 752 and 758; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 19, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 629, 630, 631, 632, 633, 634 and 635; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 23, 2004: Senate Joint Resolutions Nos. 755, 756, 757, 759, 760 and 761.

This the 18th day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 23, 2004: Senate Bills Nos. 2063, 2150, 2300, 2398, 2535, 2682 and 2852.

This the 18th day of February, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 23, 2004: Senate Bills Nos. 2244 and 2668; and Senate Joint Resolution No. 722.

This the 18th day of February, 2004.
CROWE, Chairperson.

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**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, February 23, 2004: Senate Bills Nos. 2144, 2575, 3065 and 3265.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, February 23, 2004, which motion prevailed.